

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID A. LINK,

Plaintiff,

v.

3M CORPORATION, et al.,

Defendants.

CASE NO. C24-1530JLR

ORDER TO SHOW CAUSE

Before the court is Magistrate Judge Michelle L. Peterson's report and recommendation recommending that the court deny *pro se* Plaintiff David A. Link's application to proceed in forma pauperis ("IFP") because Mr. Link appears to have sufficient funds to pay the filing fee. (R&R (Dkt. # 4); *see* IFP App. (Dkt. # 1).) The court ADOPTS the report and recommendation,¹ DENIES Mr. Link's application to proceed IFP, and ORDERS Mr. Link to respond to this order to show cause.

¹ Although the report and recommendation states that Mr. Link may file objections (*see* R&R at 2), the Ninth Circuit has held that a plaintiff is not entitled to submit written objections

1 Mr. Link filed his IFP application and proposed complaint on September 19, 2024.
2 (IFP App.; Prop. Compl. (Dkt. # 1-1).) Mr. Link seeks to appeal the denial of his claim
3 for funds from the Extraordinary Injury Fund established in the “3M Earplug Case.” (*See*
4 Prop. Compl. at 3, 5.) The court understands that Mr. Link’s purported claim relates to
5 the recent settlement of multidistrict litigation relating to certain earplugs manufactured
6 by affiliates of Defendant 3M Corporation (“3M Settlement”). *See* Official Combat
7 Arms Earplugs (CAE) Settlement Program, <https://www.combatarmssettlement.com>
8 [<https://perma.cc/DX2N-LN5F>] (providing information about the administration of the
9 settlement); *see also* 3M Products Liability Litigation, MDL No. 2885,
10 <https://www.flnd.uscourts.gov/3m-products-liability-litigation-mdl-no-2885>
11 [<https://perma.cc/AFQ4-P64K>] (providing information about the litigation).

12 The court agrees with Magistrate Judge Peterson that Mr. Link has not
13 demonstrated that he is unable to pay the filing fee. (*See* R&R at 2.) Accordingly, the
14 court ADOPTS the report and recommendation (Dkt. # 4) and DENIES Mr. Link’s IFP
15 application (Dkt. # 1). The court notes, however, that this is not the appropriate forum to
16 appeal the denial of a claim filed in the 3M Settlement. Because the court cannot grant
17 Mr. Link the relief he seeks, the court ORDERS Mr. Link to SHOW CAUSE, by no later
18 than **October 30, 2024**, why this action should not be dismissed for failure to state a

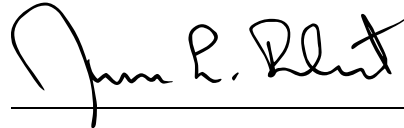
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22 to a Magistrate Judge’s report and recommendation that IFP status should be denied, *Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998). Accordingly, the court will not afford Mr. Link an opportunity to object to the report and recommendation.

1 claim upon which relief can be granted. Failure to timely file a response to this order will
2 result in the denial of Mr. Link's IFP application and the dismissal of his complaint.²

3 Dated this 9th day of October, 2024.

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6 JAMES L. ROBART
7 United States District Judge
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21 ² The court suggests that Mr. Link contact the attorney (if any) who represented him in
22 the multidistrict litigation or the 3M Settlement Administrator for information about procedures
for appealing the denial of a claim for settlement benefits. *See*
<https://www.combatarmssettlement.com/Home/ContactUs> [<https://perma.cc/ZM8C-RBNU>]
(including contact information for the 3M Settlement Administrator).